



## **Language Access Policy for Limited English Proficient (LEP) Individuals**

### **I. General Policy**

Iowa Legal Aid recognizes that the population of low-income individuals eligible for its services includes individuals who are "limited English proficient" (LEP), i.e., unable to speak, read, write or understand the English language at a level that permits them to interact effectively in a particular situation. It is the goal of Iowa Legal Aid to ensure meaningful access to services to LEP individuals.

Pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. Section 2000d et seq., which prohibits discrimination on the basis of national origin by recipients of federal financial assistance, and LSC Program Letter 04-2, Iowa Legal Aid adopts the following policy.

### **II. Identifying LEP clients—Assessment of Language Needs**

A. **General Rule:** Upon first contact with a potential LEP client by staff, a client's need for language services will be determined, their right to a free interpreter communicated, and their preferred languages for verbal and written communication will be noted in PIKA. The procedures employed may vary depending upon whether the initial contact with the client is by phone, in person at an Iowa Legal Aid office, or at an outreach site. In each situation, the decision will include the client's self-assessment of the need for an interpreter, and the staff member's assessment of the situation, including the suitability of any interpreter the client may have brought with him or her, as is set forth below.

1. The determination of need for an interpreter shall include a statement or designation by the potential client of his/her preferred language for both oral communication (henceforth referred to as interpretation) and written correspondence (henceforth referred to as translation).
2. An individual's preferred languages for interpretation and translation will be noted in PIKA to guide all future communication and correspondence between Iowa Legal Aid staff and the individual.
3. If the eligible individual is a minor child or incapacitated adult, a parent or guardian's language needs will be noted in PIKA.

## **B. Phone Calls**

1. When an office utilizes an automatic attendant recording, the recording must have options available in the languages of LEP groups which are frequently encountered, eligible for, and in need of legal services (hereafter “targeted LEP groups”)<sup>1</sup>.
2. The offices that have staff members answer the phone rather than an automated attendant will train intake staff on how to handle phone calls from limited English speakers. The call can be seamlessly transferred to Spanish-speaking staff anywhere in the state, by the use of voice-over internet protocol technology.
3. If an individual calls in who does not speak or understand English very well or the support staff does not understand the caller very well, the staff person has the obligation to ask the caller if he/she would like a free interpreter and in what language.
4. Staff will meet this obligation by following through in one of the ways below:
  - a. If an interpreter is needed for a language for which Iowa Legal Aid has bilingual staff or volunteers, support staff will transfer the call to the intake worker who speaks the requested language.
  - b. If no bilingual staff or volunteers are available, a call will be made to a provider of interpretation services, either a contract provider, or a service from a local source. The front desk of each office will maintain an “LEP Box” which contains the contact information and access code necessary when calling the current contract provider. Staff may also use a qualified interpreter other than the current contract interpretation provider; however because of the time sensitivity involved in providing phone service to LEP clients, an on-demand telephone translation service may often be the most practical way to handle phone calls from LEP clients where a staff interpreter is not available.

## **C. Walk-ins**

1. All regional offices will have multilingual signs that indicate the availability of free interpreters for applicants and clients of Iowa Legal Aid.
2. If a potential client walks in and does not speak or understand English very well or the support staff does not understand the walk-in very well, the staff person must ask the individual if he/she would like a free interpreter and if so, in what

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<sup>1</sup> The assessment set forth in VIII-C will determine targeted LEP groups. The findings from the 2005 Assessment can be found as Appendix 1.

language. If the individual speaks little or no English and effective verbal communication is not possible between the staff member and potential client, the "I speak" sheets kept in the LEP Box at each office's front desk can be used so that an individual can point to his/her preferred language.

3. Once the language is identified, the LEP individual will be connected with an interpreter through one of the following means, in preferential order:
  - a. Meet in-person with a bilingual intake screener.
  - b. Speak by phone with an Iowa Legal Aid bilingual intake worker from another office or location.
  - c. Speak by phone with English-speaking staff with the use of an interpreter.

III. **Staff:** Proficiency in languages of LEP targeted groups will be a consideration in the hiring of new staff in positions involving client service. Other staff will either use current staff who are competent to interpret, or will make use of outside interpreters, as is set forth elsewhere in this policy. Staff will be trained, as is set forth elsewhere in this policy.

#### IV. **Training**

- A. **On the LEP Policy.** After the Iowa Legal Aid LEP Policy is adopted by the Board of Directors, all staff will be trained on the LEP Policy and educated on the findings of the Assessment. The most likely forum for the training is the statewide training day, usually held twice a year.
- B. **On LEP issues.** After the initial training, staff will be offered a training on the LEP policy or selected LEP issues at least once every other year. Topics may include: how to assess an individual's language needs, how to access language services, how to use bilingual staff, how to use interpreters, the effect that cultural and language barriers may have on eligible individuals, and other issues related to providing services to the LEP population, including the statutory and regulatory requirements for service to LEP persons.
- C. **Bilingual Staff Training.** Iowa Legal Aid recognizes that interpreting and translating is a skilled profession that requires education and training for an individual to acquire sufficient fluency in two languages to provide accurate interpretation and translation. Before being asked to interpret/translate, staff and volunteers will be asked about their credentials, skills and competency in interpretation and translation. Staff who are asked to provide interpretation or translation services will be given the opportunity to obtain or maintain certification appropriate to their duties, as well as opportunities to improve proficiency, consistent with the training policies of Iowa Legal Aid.
- D. **New Employees.** Service to LEP persons will be part of the orientation of new employees.

## V. Oral Interpretation

- A. **General Rule.** Iowa Legal Aid is committed to providing competent interpretation when needed, at no charge to the client.
- B. **Who may Interpret.**<sup>2</sup> Interpreters will be sought out in order of preference as numbered below:
1. Bilingual staff/volunteers when possible.
  2. An on-demand contract provider of interpretation services or a competent local interpreter may be hired when a staff person is not available.
  3. This policy expressly discourages reliance on family members or friends of clients as interpreters. Staff members are especially discouraged from permitting minor children to serve as interpreters.
- C. **Protocol for Interpretation.** LEP clients will be asked at initial intake about their preferred language for interpretation (verbal communication) and translation (written correspondence), and this information shall be tracked in PIKA.
1. Iowa Legal Aid staff shall not, under any circumstances, require a client to provide his/her own interpreter or rely on friends or family members for interpreting services.
  2. If a client expresses a desire to communicate in English, but a staff member feels that an interpreter would be useful to facilitate effective communication and the provision of quality legal services, the staff member may elect to have an interpreter present.
  3. If client insists on using services of a family member or friend, Iowa Legal Aid staff shall:
    - a. Advise the client of his/her right to receive free language services, and make appropriate inquiry of the client to assess whether there are conflicts and/or whether the interpreter may be uncomfortable discussing certain issues with the client and staff member. This conversation should take place outside the presence of the client's chosen interpreter through a third-party interpreter.

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<sup>2</sup> Iowa Legal Aid has the duty to confirm a person's competency and skills in the translation and interpretation fields before the person is allowed to perform these services on behalf of Iowa Legal Aid. The LEP Coordinator will be notified of any outside contractors/volunteers used to interpret or translate for the program, and will have the interpreter/translator sign Iowa Legal Aid's Interpreter/Translator Agreement (Appendix 2).

- b. If client insists that his/her friend or family member, who is not a minor, interpret, this choice shall be noted in the PIKA case notes.
  - c. If the staff member conducting the interview has doubts about the chosen interpreter's ability to adequately interpret, the staff member may opt to have another qualified interpreter present as well.
- 4. Iowa Legal Aid will take necessary steps to ensure that communications conducted through an interpreter remain confidential. Non-staff interpreters will be asked to sign the Iowa Legal Aid's Interpreter/Translator Agreement. (Appendix 2).

## VI. Translation of Written Materials

- A. **Vital Program documents** will be translated into the major languages of the LEP populations that are likely to be served by Iowa Legal Aid. Vital documents are defined as Iowa Legal Aid's retainer agreements, release of information forms, and the public and client complaint procedure. Pleadings which have to be signed by a client will generally be considered vital documents. However, in case of emergencies, oral interpretation or a sight translation would be an acceptable alternative.

### B. Other Translation

If representation of a client requires translation of material other than vital documents, staff may translate the entire document, or a summary of the document, or provide oral "sight interpretation." If no staff is available or qualified to translate, a competent outside provider of services will be used.

## VII. Outreach -

- A. **Office Letterhead:** Iowa Legal Aid letterhead shall include directions for accessing services in the languages of LEP targeted groups.
- B. **Phones:** The automatic attendant recording shall have options which are in the languages of LEP targeted groups.
- C. **Office Signs:** All offices will have signage concerning the availability of free interpretation in the languages of LEP targeted groups.
- D. **Publications:**
  - 1. **Brochure:** The basic brochure which describes Iowa Legal Aid's services will be available in the languages of LEP targeted groups.
  - 2. **Community Legal Education Booklets:** Iowa Legal Aid will develop a schedule

for translation of legal education booklets into the languages of LEP targeted groups.

3. ***Equal Justice Journal*:** Iowa Legal Aid will publish articles relevant to the LEP population and include selected articles in the languages of LEP targeted groups, in the client newsletter, *The Equal Justice Journal*.
  4. **Other Agency Brochures:** Iowa Legal Aid will gather and disseminate appropriate materials published by other sources, which are available in various languages, such as brochures on Hawk-I, Food Stamps, and the Earned Income Tax Credit.
- E. **Website:** Iowa Legal Aid will modify the home page of its website so that the languages of LEP targeted groups can be accessed by clicking on a button on the home page. The program will work on translating more content for the website into the languages of LEP targeted groups.
- F. **Community Presentations:** Iowa Legal Aid will offer presentations in the languages of LEP targeted groups on selected topics, and will utilize the multilingual materials of other agencies.

## VIII. Oversight

- A. Iowa Legal Aid recognizes that performance and goals related to serving LEP groups should be monitored periodically.
- B. Iowa Legal Aid will appoint an LEP Coordinator who will report annually to the Executive Director concerning how Iowa Legal Aid is implementing this policy. Information provided to the Executive Director in the yearly report may include:
1. Statistics reporting on number of LEP persons served during the last year;
  2. List of bilingual staff and volunteers during the year;
  3. Types, numbers, and locations of outreaches to LEP communities; and
  4. Suggested protocol changes and updates on Iowa Legal Aid's LEP policy.
- C. Not less than every five years, Iowa Legal Aid will conduct a comprehensive assessment of the size and nature of the language needs of LEP poverty populations in its service area based on the four factors set out by the Department of Justice Guidance [(Federal Register: June 18 2002 (Volume 67, Number 117))].
1. The number or proportion of LEP persons from particular language groups in the eligible service population;

2. The frequency with which LEP individuals come into contact with the program;
3. The importance of the service provided by the program; and
4. The resources available to the recipient.

This assessment will determine the language of LEP groups frequently encountered, eligible for, and in need of legal services.

Note: This policy does not create nor is intended to create legal rights in any person.

Adopted by Iowa Legal Aid Board of Directors: October 29, 2005